EQUAL OPPORTUNITY CONTRACTING REQUIREMENTS

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- I. City's Equal Opportunity Commitment. The City of San Diego (City) is strongly committed to equal opportunity for employees, developers, contractors, subcontractors, subconsultants and vendors/suppliers doing business with the City. The City encourages its developers to share this commitment.
- II. Demonstrated Commitment to Equal Opportunity. The City seeks to foster a business climate of inclusion and to eliminate barriers to inclusion. Developers are encouraged to take positive steps to diversify and expand their contractor, subcontractor, subconsultant, and vendor/supplier solicitation base and to offer contracting opportunities to these groups. To support its Equal Opportunity Contracting commitment, the Developer is required to submit with its development proposal/application for Affordable Housing Program Funding (NOFA) a Letter of Commitment which must contain the following:
 - A. <u>Subcontracting Commitment Goal.</u> Anticipated subcontracting participation goal for utilization of Disadvantaged Business Enterprises (DBE's) and underrepresented firms during the course of the project.
 - B. <u>Outreach Efforts.</u> Network activities and outreach strategies intended to be utilized to recruit, hire, train and promote a diverse workforce.
 - C. <u>Community Activities</u>. Listing of Developer's current community activities such as membership and participation in local organizations, associations, scholarship programs, mentoring, apprenticeships, internships, community projects, charitable contributions and similar endeavors.

III. Reporting Requirements.

- A. <u>Quarterly Update Report.</u> Developer is required to submit quarterly reports detailing and explaining efforts made to reach its stated commitment goal.
 - 1. Due Date: *Quarterly Update Report* must be submitted every three months by the 30th day of the month.
- B. <u>Monthly Invoicing Report</u>. Developer must list monthly dollar amounts invoiced and paid by contractor to subcontractor, subconsultant and vendor/supplier.
- C. <u>Monthly Employment Report</u>. Developer must have Contractor list each employee working on the specific project by full name, social security number, gender, ethnic category, craft and employee source. Developer is responsible for collecting and submitting *Monthly Employment Report* from prime contractor and all subcontractors at any level, working at the site. Contractors and all subcontractors must submit this report monthly until their portion of work is complete. Reporting period is from first day of calendar month through last day of calendar month and reflects total work hours performed on this project.
 - 1. Due Date: *Monthly Invoicing Report* and *Monthly Employment Report* must be submitted by the 5th day of the subsequent month.
- D. <u>Certified Payroll.</u> If project is federally and/or state funded prevailing wages apply and certified payrolls must be submitted either weekly, bi-weekly or monthly.

During the course of the project, reports and certified payrolls must be submitted to the EOC Program Manager at 1010 Second Ave., Suite 500, San Diego, CA 92101.

- IV. Nondiscrimination in Contracting Ordinance. All developers, contractors, and consultants doing business with the City, and their subcontractors, subconsultants and vendors/suppliers must comply with requirements of the City's *Nondiscrimination in Contracting Ordinance*, San Diego Municipal Code Sections 22.3501 through 22.3517.
 - A. <u>Developers Proposal/Application to include Disclosure of Discrimination Complaints</u>. As part of its proposal/application, Developer shall provide to the City a list of all instances within the past ten (10) years where a complaint was filed or pending against Developer in a legal or administrative proceeding alleging that Developer discriminated against its employees, subcontractors, subconsultants and vendors/suppliers, and a description of the status or resolution of that complaint, including any remedial action taken.
 - B. <u>Contract Language</u>. The following language shall be included in contracts for City projects between the Developer and any contractor, subcontractor, subconsultant and vendor/supplier:

Developer shall not discriminate on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, or disability in the solicitation, selection, hiring, or treatment of subcontractors,

opportunity for subcontractors to participate in subconsulting opportunities. Developer understands and agrees that violation of this clause shall be considered a material breach of the contract and may result in contract termination, debarment, or other sanctions.

- Compliance Investigations. Upon the City's request, Developer agrees to provide C. to the City, within sixty (60) calendar days, a truthful and complete list of the names of all subcontractors, subconsultants, vendors, and suppliers that Developer has used in the past five (5) years on any of its contracts that were undertaken within San Diego County, including the total dollar amount paid by Developer for each subcontract or supply contract. Developer further agrees to fully cooperate in any investigation conducted by the City pursuant to the City's Nondiscrimination in Contracting Ordinance, Municipal Code Sections 22.3501 through 22.3517. Developer understands and agrees that violation of this clause shall be considered a material breach of the contract and may result in remedies being ordered against the Developer up to and including contract termination, debarment and other sanctions for violation of the provisions of the Nondiscrimination in Contracting Ordinance. Developer further understands and agrees that the procedures, remedies and sanctions provided for in the Nondiscrimination in Contracting Ordinance apply only to violations of the Ordinance.
- V. Equal Employment Opportunity. Developers shall comply with requirements of San Diego Ordinance No. 18173, Section 22.2701 through 22.2707, Equal Employment Opportunity Outreach Program. Developers must submit with its proposal/application a Work Force Report or an Equal Employment Opportunity (EEO) Plan to the Manager of the City of San Diego Equal Opportunity Contracting for approval. All submittals must be sent to 1010 Second Ave., Suite 500, San Diego, CA 92101.
 - A. <u>Work Force Report</u>. If a *Work Force Report* (Attachment AA) is submitted, and the Work Force Analysis reflects under representations when compared to County Labor Force Availability data, Developer will be required to submit an *Equal Employment Opportunity Plan*.
 - B. <u>Equal Employment Opportunity Plan</u>. If an *Equal Employment Opportunity Plan* is submitted, it must include at least the following assurances that:
 - 1. The Developer will maintain a working environment free of discrimination harassment, intimidation and coercion at all sites and in all facilities at which the Developer's employees are assigned to work;
 - 2. A responsible official is designated to monitor all employment related activity to ensure the Developer's EEO Policy is being carried out and to submit reports relating to EEO provisions;
 - 3. Developer disseminates and reviews its EEO Policy with all employees at least once a year, posts the policy statement and EEO posters on all company bulletin boards and job sites, and documents every dissemination review and posting with a written record to identify the time, place, employees present, subject matter, and disposition of meetings;

- 4. The Developer reviews, at least annually, all supervisor's adherence to and performance under the EEO Policy and maintains written documentation of these reviews;
- 5. The Developer discusses its EEO Policy Statement with Subconsultants with whom it anticipates doing business, includes the EEO Policy Statement in its subcontracts, and provides such documentation to the City upon request;
- 6. The Developer documents and maintains a record of all bid solicitations and outreach efforts to and from subcontractors and subconsultants, consultant associations, vendors/suppliers and other business associations;
- 7. The Developer disseminates its EEO Policy externally through various media, including the media of people of color and women, in advertisements to recruit, maintains files documenting these efforts, and provides copies of these advertisements to the City upon request;
- 8. The Developer disseminates its EEO Policy to union and community organizations;
- 9. The Developer provides immediate written notification to the City when any union referral process has impeded the Developer's efforts to maintain its EEO Policy;
- 10. The Developer maintains a current list of recruitment sources, including those outreaching to people of color and women, and provides written notification of employment opportunities to these recruitment sources with a record of the organizations' responses;
- 11. The Developer maintains a current file of names, addresses and phone numbers of each walk-in applicant, including people of color and women, and referrals from unions, recruitment sources, or community organizations with a description of the employment action taken;
- 12. The Developer encourages all present employees, including people of color and women employees, to recruit others;
- 13. The Developer maintains all employment selection process information with records of all tests and other selection criteria;
- 14. The Developer develops and maintains documentation for on-the-job training opportunities and/or participates in training programs for all of its employees, including people of color and women, and establishes apprenticeship, trainee, and upgrade programs relevant to the Developer's employment needs;

- an employees for promotional opportunities and encourages an employees to seek and prepare appropriately for such opportunities;
- 16. The Developer ensures the company's working environment and activities are non-segregated except for providing separate or single-user toilets and necessary changing facilities to assure privacy between the sexes;
- 17. The Developer establishes and documents policies and procedures to ensure job classifications, work assignments, promotional tests, recruitment and other personnel practices do not have a discriminatory effect; and
- 18. The Developer is encouraged to participate in voluntary associations, which assist in fulfilling one or more of its non-discrimination obligations. The efforts of a consultant association, consultant/community professional association, foundation or other similar group of which the Developer is a member will be considered as being part of fulfilling these obligations, provided the Developer actively participates.
- VI. List of Subcontractors. Developers are required to submit a Subcontractors List for their Prime Contractor at the start of the project. As subcontractors are added to the project, the Developer is required to notify EOC by submitting an updated Subcontractors List within five (5) days of addition of subcontractor to the project.
 - A. <u>Subcontractors List</u>. The *Subcontractors List* (Attachment EOCP-7) shall indicate the name and address, scope of work, dollar amount and percent of total proposed subcontract amount, certification status and where certified for each proposed subcontractor.
 - 1. Subcontractors must be named on the *Subcontractors List* if they receive more than one-half of one percent (0.5%) of the Developer's fee.

VII. Certification.

- A. The City of San Diego is a signatory to a Memorandum of Agreement (MOA) in the statewide California Unified Certification Program, and therefore has adopted a policy regarding certification of DBE firms. Pursuant to the MOA, a DBE can be certified by any participating government agency in the State of California.
- B. The City will accept a current certification by the State of California Department of Transportation (CALTRANS) or any other participating government agency in the State of California as an MBE or WBE: or
- C. The City will accept current DVBE certification granted by the State of California's Department of General Services, Office of Small and Minority Business, (916) 322-5060.

VIII. Definitions.

Certified "Minority Business Enterprise" (MBE) means a business which is at least fifty-one percent (51%) owned by African Americans, American Indians, Asians, Filipinos, and/or

the identified ethnic groups. In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, one or more members of the identified ethnic groups.

Certified "Women Business Enterprise" (WBE) means a business which is at least fifty one percent (51%) owned by one or more women and whose management and daily operation is controlled by the qualifying party(ies). In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, one or more women.

Certified "Disadvantaged Business Enterprise" (DBE) means a business which is at least fifty-one percent (51%) owned and operated by one or more socially and economically disadvantaged individuals and whose management and daily operation is controlled by the qualifying party(ies). In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, socially and economically disadvantaged individuals.

Certified "Disabled Veteran Business Enterprise" (DVBE) means a business which is at least fifty-one percent (51%) owned by one or more veterans with a service related disability and whose management and daily operation is controlled by the qualifying party(ies).

"Other Business Enterprise" (OBE) means any business which does not otherwise qualify as Minority, Woman, Disadvantaged or Disabled Veteran Business Enterprise.

IX. List of Attachments.

EOC-7– Subcontractors List

EOC –8– Subconsultants List

EOC –AA (1-3) – Work Force Report

EOC-BB – Developer Monthly Invoicing Report

EOC-CC—Monthly Employment Report

SUBCONTRACTORS LIST INFORMATION REGARDING SUBCONTRACTOR PARTICIPATION:

- 1. Subcontractor's List shall include name and complete address of all Subcontractors who will receive more than one half of one percent (0.5%) of the Developer's fee.
- 2. Developer shall also submit subcontractor commitment letters on subcontractor's letterhead, no more than one page each, from subcontractors listed below to acknowledge their commitment to the team, scope of work, and percent of participation in the project.
- 3. Subcontractors shall be used for scope of work listed. No changes to this Subcontractors List will be allowed without prior written City approval.

| NAME AND ADDRESS OF SUBCONTRACTORS | SCOPE OF WORK | PERCENT OF CONTRACT | DOLLAR AMOUNT OF CONTRACT | *MBE/WBE/ DBE/DVBE/ OBE | **WHERE CERTIFIED |
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*For information only. As appropriate, Developer shall identify Subcontractors as:

| Certified Minority Business Enterprise | MBE |
|--|------|
| Certified Woman Business Enterprise | WBE |
| Certified Disadvantaged Business Enterprise | DBE |
| Certified Disabled Veteran Business Enterprise | DVBE |
| Other Business Enterprise | OBE |

**For information only. As appropriate, Developer shall indicate if Subcontractor is certified by:

City of San Diego CITY

State of California Department of Transportation CALTRANS

SUBCONSULTANTS LIST

INFORMATION REGARDING SUBCONSULTANTS PARTICIPATION:

- 4. Subconsultant's List shall include name and complete address of all Subconsultants who will receive more than one half of one percent (0.5%) of the Prime Consultant's fee.
- 5. Developer shall also submit Subconsultant commitment letters on Subconsultant's letterhead, no more than one page each, from Subconsultants listed below to acknowledge their commitment to the team, scope of work, and percent of participation in the project.
- 6. Subconsultants shall be used for scope of work listed. No changes to this Subconsultants

| NAME AND ADDRESS SUBCONSULTANTS | SCOPE OF WORK | PERCENT OF CONTRACT | DOLLAR AMOUNT OF CONTRACT | *MBE/WBE/ DBE/DVBE/ OBE | **WHERE CERTIFIED |
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List will be allowed without prior written City approval.

*For information only. As appropriate, Developer shall identify Subconsultants as:

Certified Minority Business Enterprise MBE
Certified Woman Business Enterprise WBE
Certified Disadvantaged Business Enterprise DBE
Certified Disabled Veteran Business Enterprise DVBE
Other Business Enterprise OBE

**For information only. As appropriate, Developer shall indicate if Subconsultant is certified by:

City of San Diego CITY

State of California Department of Transportation CALTRANS

City of San Diego CITY

State of California Department of Transportation CALTRANS



THE CITY OF SAN DIEGO
EQUAL OPPORTUNITY CONTRACTING
1010 SECOND AVENUE, SUITE 500
SAN DIEGO, CA 92101
PHONE (619) 533-4464 • FAX (619) 533-4474

WORK FORCE REPORT

The objective of the Equal Employment Opportunity is to ensure that contractors doing business with the City, or receiving funds from the City, will not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation and selection for training, including apprenticeship.

NO OTHER FORMS WILL BE ACCEPTED CONTRACTOR IDENTIFICATION

| Type of Contractor: | □ Construction □ Consultant | □ Vendor/Supplier □ Grant Recipient | □ Financial Institution □ Insurance Company | □ Lessee/Lessor □ Other | |
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| Name of Company: | | | | | |
| ADA/DBA: | | | | | |
| Address (Corporate Hea | adquarters, where ap | oplicable): | | | |
| City | County | | State | Zip | |
| Telephone Number: (|) | Fax Number: (| Mary September 1 and 1 a | | |
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| Address(es), phone and | fax number(s) of co | ompany facilities located i | n San Diego County (if dif | ferent from above): | |
| Address: | | | | | |
| City | | | | Zip | |
| | | Fax Number: (| | | |
| Type of Business: | | Туре с | of License: | | |
| The Company has appo | inted: | | | | |
| | | | has been given authority to | | e and enforce |
| | | | The EEOO may be contacte | | |
| Address: | | · · · | | | |
| Telephone Number: (| | |) | | |
| | For Firm's: | □ San Diego Work Force an | nd/or | e Work Force | |
| I, The undersign | ed representative of _ | | | | Michael Trade tour representation are represented in |
| | | (Firm Na | ame) | | |
| (County) hereby certify that information | ation provided herein | is true and correct. This doct | (State) ument was executed on this da | y of, 20 | |
| (Authorized Signa | iture) | | (Print Authorized S | Signature Name) | |

| WORK FORCE REPORT – P | age 2 | | | | | | | | | | | | | |
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| African-American, Black Latino, Hispanic, Mexican Asian, Pacific Islander American Indian, Eskimo | -Ameri | can, P | uerto R | ican | (5) (6) (7) | | casian | icity; n | ot fallii | ng i nt o | other | groups | | |
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MONTHLY INVOICING REPORT DEVELOPER

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| Contact Person and Phone Number: | | | | | Original Contract Amt:_ | mt: | | | | |
| SUBCONTRACTORS/SUPPLIERS: List Names of all Subcontractors/Suppliers: | *DBE or DVBE | Anticipated Start Date | Date of Last Inv. | Dollar Amount Paid This Month | Total Dollar Amount Invoiced To Date | TS afe | ' | MOU! | | Change Order Paid this Month |
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*On federal or federally funded projects indicate whether DBE is an MBE I certify under penalty of perjury that the foregoing information is true and correct: _

MONTHLY EMPLOYMENT REPORT

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| | Mexican American, Hispanic, Latino, Puerto Rican | MA | | Emplo | yment Agency | E | 1 |
| | Native American, American Indian, Eskimo | NA | | Trainiı | ng Program | T | _ |
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